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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,557	04/22/2004	Benjamin A. Knott	130332.00073	6361

67942 7590 05/23/2008

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EXAMINER
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PATEL, HEMANT SHANTILAL

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/829,557	<b>Applicant(s)</b> KNOTT ET AL.	
	<b>Examiner</b> HEMANT PATEL	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. Applicant's submission filed on April 15, 2008 in response to an Office Action dated November 15, 2007 has been entered. Claims 1-22 are pending in this application.

### ***Response to Amendment***

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2614

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5, 8, 13, 15-17, 19, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birkhead (US Patent Application Publication No. 2005/0089150 A1), and further in view of Siegel (US Patent Application No. 2002/0091566 A1).

**Regarding claim 1**, Birkhead teaches of a method of providing a verbal dialog interface for a caller to an automated self-service "how to use" (HTU) call system, comprising the steps of:

grouping services **or** products other than the HTU call system into categories (Paragraphs 0043-0044 and elsewhere in the art, grouping drugs and other medical services as per user profile, also obvious to group drugs as one category and medical services as another category);

associating **one or** more HTU topics with each service **or** product (Paragraphs 0044-0056 and elsewhere in the art, associating multiple topics to each drug i.e. how to use due to side effects or adverse reaction; it would be obvious for the medical information topic to be operating instructions related to a medical service or device);

storing at least **one** HTU dialog module for each HTU topic, such that the dialog module can be played as a voice message of HTU instructions to the caller, wherein HTU instructions are operating instructions for the service **or** product associated with HTU topic corresponding to the HTU dialog module (Paragraphs 0044-0056 and elsewhere in the art, playing drug topics to determine how to use the specific drug; it

would be obvious for the medical information topic to be operating instructions related to a medical service or device);

wherein some topics have two **or** more dialog modules to be played as a set, different topics having different numbers of dialog modules (Fig. 2 item 210; Paragraphs 0044-0056);

during a call from a caller, prompting the caller to name **or** describe a service **or** product (Paragraphs 0043-0044, 0059-0060 and elsewhere in the art, presenting dynamic prompts to the user), and receiving a response from the caller (Paragraphs 0044, 0059-0061 and elsewhere in the art, user selecting to query for any drug or medical information);

in response to the prompting step, recognizing the caller's response such that unsupported services **or** products are recognized and an appropriate message is played (paragraphs 0091-0093);

based on **one or** more of the caller's responses, recognizing the caller's selected service **or** product (Paragraph 0044 and elsewhere in the art, user selected drug or medical information);

providing the caller with a list of topics associated with the selected service **or** product and recognizing the caller's selected topic (Paragraphs 0044-0056 and elsewhere in the art, user selecting the topic related to the selected drug to listen to);

playing to the caller the HTU instructions in the at least **one** HTU dialog module stored for the selected topic, such that if the selected topic has two **or** more associated dialog module to be played as a set, the caller may request to have the HTU

instructions in any selected HTU dialog module in the set repeated (Fig. 2 items 210, 220 returning to item 210 for reprompt and replay the information dialog) (Figs. 3-7 and their descriptions).

Birkhead teaches of providing a list of drug and medical information but does not teach of prompting the caller to ask for a list of services or products; providing a spoken list of categories and receiving the caller response in response to the caller asking for a list of service or products; and determining the need for disambiguation and disambiguating the response of category having more than one or more service or product by providing the list of services or products within the category, prompting for and receiving the caller response.

However, in the same field of communication, Siegel teaches of providing a list of category of services or products (based on departments), receiving the caller response and providing another category based on the caller selection of category (i.e. cheeses, milks, eggs based on selection dairy as category) and prompting for the caller response; the caller indicating the selection at the prompt and providing a product list to the caller (consumer) for the products within the department for the caller to select (Fig. 6, Paragraphs 0059-0061).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birkhead to provide and ask for the selection of category and to provide the product information based on the category selection by the caller according to hierarchy as taught by Siegel in order to "provide the consumer with telephone access to the promotion database through an interactive voice response

system” and “to provide the consumer with promotion choices from a correlated product category associated with a particular group of products in which the consumer is interested in buying” (Siegel, Paragraphs 0019-0020).

**Regarding claim 2**, Birkhead teaches of a method of providing a verbal dialog interface for a caller to an automated self-service "how to use" (HTU) call system, comprising the steps of:

grouping services **or** products other than the HTU call system into categories (Paragraphs 0043-0044 and elsewhere in the art, grouping drugs and other medical services as per user profile, also obvious to group drugs as one category and medical services as another category);

associating **one or** more HTU topics with each service **or** product (Paragraphs 0044-0056 and elsewhere in the art, associating multiple topics to each drug i.e. how to use due to side effects or adverse reaction; it would be obvious for the medical information topic to be operating instructions related to a medical service or device);

storing at least **one** HTU dialog module for each topic, such that the dialog module can be played as a voice message of HTU instructions to the caller, wherein HTU instructions are operating instructions for the corresponding services **or** products (Paragraphs 0044-0056 and elsewhere in the art, playing drug topics to determine how to use the specific drug; it would be obvious for the medical information topic to be operating instructions related to a medical service or device);

wherein some topics have more two **or** more dialog modules to be played as a set, different topics having different numbers of dialog modules (Fig. 2 item 210; Paragraphs 0044-0056)

during a call from a caller, prompting the caller to select a service **or** product for which the caller desires HTU instructions (Paragraphs 0043-0044, 0059-0060 and elsewhere in the art, presenting dynamic prompts to the user), and receiving one **or** more service or product responses from the caller (Paragraphs 0044, 0059-0061 and elsewhere in the art, user selecting to query for any drug or medical information);

based on **one or** more of the caller's responses, recognizing the caller's selected service **or** product (Paragraph 0044 and elsewhere in the art, user selected drug or medical information);

providing the caller with a list of topics associated with the selected service **or** product and recognizing the caller's selected topic (Paragraphs 0044-0056 and elsewhere in the art, user selecting the topic related to the selected drug to listen to);

playing to the caller the HTU instructions in the at least **one** HTU dialog module stored for the selected topic, such that if the selected topic has two **or** more associated dialog module to be played as a set, the caller may request to have the HTU instructions in any selected HTU dialog module in the set repeated (Fig. 2 items 210, 220 returning to item 210 for reprompt and replay the information dialog) (Figs. 3-7 and their descriptions).

**Regarding claim 3**, Birkhead teaches of the user manually providing caller ID as identification at the prompt (Paragrpah 0058).



**Regarding claim 4**, Birkhead teaches of the dialog interface for a telephone call system (Fig. 1 and its description).

**Regarding claim 5**, Birkhead teaches of at least one response from the caller analyzed using natural language speech recognition techniques (Paragraphs 0025-0032 and elsewhere in the art).

**Regarding claim 8**, Birkhead teaches of reprompting if the user response does not match with the input recognition set (paragraphs 0091-0093).

**Regarding claim 21**, Siegel teaches of providing a list of category of services or products (based on departments), identifying the caller response to be category (list of services/products) (i.e. caller speaking the prompted category from the list instead of specific sub-department or specific product) and listing the products within the selected category; and disambiguating the identified response (i.e. dairy) by providing a list of services or products within the particular category and prompting the caller for a selection (Paragrpah 0059).

**Regarding claim 13**, Birkhead teaches of a system of providing a verbal dialog interface for a caller to an automated self-service "how to use" (HTU) call system (Fig. 1, Paragraphs 0024-0042), comprising:

a Get Service Name module configured to prompt the caller to name **or** describe a service **or** product other than the HTU call system (Paragraphs 0043-0044, 0059-0060 and elsewhere in the art, presenting dynamic prompts to the user), and for recognizing the caller's response (Paragraphs 0044, 0059-0061 and elsewhere in the art, user selecting to query for any drug or medical information);

a Get Information module configured to provide the caller with a list of topics associated with a selected service **or** product, and to recognize the caller's selected topic (Paragraphs 0044-0056 and elsewhere in the art, user selecting the topic related to the selected drug to listen to);

Information modules for providing the caller with verbal HTU instructions associated with the selected topic, the HTU instructions including instructions for using the selected service **or** product (Paragraphs 0044-0056 and elsewhere in the art, user selecting the topic related to the selected drug to listen to);

wherein at least one topic has more than one associated Information module, different topics having different numbers of Information modules (Fig. 2 item 210; Paragraphs 0044-0056).

Birkhead teaches of providing a list of drug and medical information and also teaches of distributed system (i.e. modularized system) but does not teach of prompting the caller to ask for a list of services or products; and a module configured to provide the caller with a list of service **or** product categories, to receive a selection from the caller, and to recognize the caller's selection from the list of categories.

However, in the same field of communication, Siegel teaches of a system providing a list of category of services or products (based on departments), asking for (prompting) and receiving the caller response and providing another category based on the recognition of caller selection of category (i.e. cheeses, milks, eggs based on selection dairy as category) and prompting for the further caller response; the caller indicating the selection at the prompt and in response to this selection, providing a

Art Unit: 2614

product list to the caller (consumer) for the products within the department for the caller to select (Figs. 1, 6 and their corresponding descriptions).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birkhead system to provide and ask for the selection of category and to provide the product information based on the category selection by the caller according to hierarchy as taught by Siegel in order to “provide the consumer with telephone access to the promotion database through an interactive voice response system” and “to provide the consumer with promotion choices from a correlated product category associated with a particular group of products in which the consumer is interested in buying” (Siegel, Paragraphs 0019-0020).

***Regarding claim 15,*** refer to rejection for claim 13 and claim 6.

***Regarding claim 16,*** refer to rejection for claim 13 and claim 7.

***Regarding claim 17,*** refer to rejection for claim 13 and claim 12.

***Regarding claim 19,*** refer to rejection for claim 13 and claim 8.

***Regarding claim 22,*** Siegel teaches the method, further comprising:

a disambiguation decision module configured to identify whether the caller has selected a particular category having more than one associated service or product (selecting dairy department with multiple categories of cheeses, milk, eggs etc.);

a disambiguation process for providing a list of services or products, and for recognizing the caller's spoken selection from the list (presenting the list of these items for the caller to select) (Paragraph 0059).

Art Unit: 2614

6. Claims 6, 7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birkhead and Siegel as applied to claims 2, 21 above, and further in view of Norton (US Patent No. 6,510,411 B1).

**Regarding claim 6,** Birkhead and Siegel do not teach of using timeout process.

However, in the same field of communication, Norton teaches of using timeout for response and reprompting (col. 34, ll. 7-12, not replied within some preset amount of time).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birkhead and Siegel to using timeout for response and reprompting as taught by Norton in order to give another chance for providing input by the caller who is slow in responding.

**Regarding claim 7,** Norton teaches of retry for response and reprompting (col. 34, ll. 7-12, reissue the current prompt).

**Regarding claim 12,** Norton teaches of having 'help' prompt and recognizing 'help' response for each task or subtask i.e. category or topic and providing corresponding information (col. 20, ll. 12-13, col. 10, ll. 58-67; col. 14, ll. 1-8).

7. Claims 9, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birkhead as applied to claims 2, 13 above, and further in view of Beyda (US Patent Application Publication No. 2001/0014146 A1).

**Regarding claim 9,** Birkhead does not teach of listing topics in order of frequency.

However, in the same field of endeavor, Beyda teaches of keeping track of selection of menu offerings by recording its usage (paragraphs 0028, 0050-0052).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birkhead to include keeping the record of prompt selection according to responses as taught by Beyda so that “user’s menu commands are provided in an updated order according to the frequency of use” (Beyda, Paragraph 0028).

***Regarding claim 18,*** refer to rejection for claim 13 and claim 9.

8. Claims 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birkhead as applied to claims 2, 13 above, and further in view of Elsey (US Patent Application Publication No. 2002/0055351 A1).

***Regarding claim 10,*** Birkhead does not teach of providing pricing information.

However, in the same field of endeavor, Elsey teaches of a system storing and providing pricing information, which varies with time (paragraph 0038) and further determines caller’s phone number stored in the CID data (Paragraph 0076).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birkhead to include providing pricing information and also determine storage of caller’s phone number as taught by Elsey in order to enable the caller to make informed decision about the purchase and also to get a return call at a place where the call will be available.

***Regarding claim 20,*** refer to rejection for claim 13 and claim 10.

9. Claims 11, 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birkhead as applied to claims 2, 13 above, and further in view of Macleod Beck (US Patent Application Publication No. 2001/0025309 A1).

***Regarding claim 11,*** Birkhead does not teach of taking a survey.

However, in the same field of endeavor, Macleod Beck teaches of taking client survey (paragraph 0114).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Birkhead to include taking a client survey as taught by Macleod Beck in order to compile the historical service usage data for future targeted marketing.

***Regarding claim 14,*** refer to rejection for claim 13 and claim 11.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,681,008	Bolduc
US Patent No. 6,728,681	Whitham
US Patent No. 6,876,739	Bennett

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEMANT PATEL whose telephone number is (571)272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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